

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REC SOFTWARE USA, Inc.,

Plaintiff,

v.

HTC AMERICA, INC., a Washington
corporation, et al.

Defendants.

No. 2:14-CV-1025 MJP

[Consolidated with Non-Lead Case Nos.
2:14-CV-1048-MJP; 2:14-CV-1050-MJP;
2:14-CV-1053-MJP; 2:14-CV-1056-MJP;
2:14-CV-1059-MJP; 2:14-CV-1060-MJP;
2:14-CV-1062-MJP]

**Note on Motion Calendar: February 6,
2015**

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S INFRINGEMENT
CONTENTIONS**

This matter comes before the Court on on the Motion to Strike Plaintiff's Infringement
Contentions and was filed by the Defendants collectively. The Court, having considered this
matter and the record in this case, ORDERS as follows:

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Proposed Order - (2:14-cv-01025-MJP) - 1

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1 IT IS ORDERED as follows:

2 1. The Motion is GRANTED.

3
4 2. Plaintiff's Infringement Contentions with respect to sale, manufacture, offer to
5 sell, and importing of the accused mobile devices are hereby stricken.

6
7 3. Appendix B to the Plaintiff's Infringement Contentions is stricken for failure to
8 provide an element-by-element analysis on how each pre-installed application listed in the
9 documents attached to Appendix B allegedly practices the claimed method as required by
10 Local Patent Rule 120.

11
12 4. Appendix C to the Plaintiff's Infringement Contentions is stricken because
13 none of the documents and files listed in this Appendix were referenced or relied upon in
14 Plaintiff's Infringement Contentions.

15
16 5. Plaintiff's Infringement Contentions regarding Android are stricken for failing
17 to identify which version of Android are found on each accused mobile device prior to the
18 expiration of the patent-in-suit, and for failing to provide the basis for why the accused
19 Android functionalities operate in the same manner across all versions of Android.

20
21 DATED this ____ day of _____, 2015.

22
23 _____
24 The Honorable Marsha J. Pechman
25 U.S. District Court Judge
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27
28

1 Presented By:

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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18 DATED this 22nd day of January, 2015 at Seattle, Washington.

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